

# Order

Michigan Supreme Court  
Lansing, Michigan

September 11, 2009

Marilyn Kelly,  
Chief Justice

Rehearing No. 561

Michael F. Cavanagh  
Elizabeth A. Weaver  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman  
Diane M. Hathaway,  
Justices

10 March 2009

137633

IN RE

HON. STEVEN R. SERVAAS  
Judge, 63<sup>rd</sup> District Court.

BEFORE THE JUDICIAL  
TENURE COMMISSION

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In this cause a motion for rehearing is considered, and it is DENIED.

Kelly, C.J., amends her opinion in this case, dated July 31, 2009, to read as follows:

KELLY, C.J. (*concurring in part and dissenting in part*).

I concur in Justice Weaver's opinion except for part IIA and the portions of the introduction and conclusion discussing quo warranto.

I agree with Justice Markman that the existence of an action for quo warranto does not prevent the JTC from assessing respondent's misconduct, regardless of whether that conduct happens to involve the improper exercise of a title to office. Accordingly, I concur in part II of Justice Markman's opinion. Given Judge Servaas' admission that he moved outside his election division, I find that he did vacate his office.

Under the unique facts of this case, I find that a public censure is the appropriate sanction for the violations of Counts I (vacating judicial office) and III (inappropriate sexual conduct).



I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 11, 2009

*Corbin R. Davis*

Clerk